Nova Scotia

ANNUAL REPORT

for the fiscal year
ending March 31, 1999

Human Rights Commission

During the period of this report

Acting Executive Director — Maureen Shebib
Executive Director — A. Wayne MacKay

The Little Drummers Celebrate Mi'kmaq History Month with a traditional drum and chanting ceremony during the Commission's Open House in October 1998.

The Honourable Myra A. Freeman
Lieutenant-Governor of Nova Scotia

May It Please Your Honour:

I have the honour to submit herewith the Annual Report of the Nova Scotia Human Rights Commission for the fiscal year beginning April 1, 1998 and ending March 31, 1999.

Respectfully submitted,

Michael G Baker

The Honourable Michael Baker, Q.C.
Minister responsible for the
administration of the
Human Rights Act

101-04573/

The Honourable Michael Baker, Q.C.
Minister responsible for the
administration of the Human Rights Act
Province of Nova Scotia

Sir:

I have the honour to present to you the Annual Report of the Nova Scotia Human Rights Commission for the fiscal year beginning April 1, 1998 and ending March 31, 1999.

Respectfully submitted,

Mayann Francis
Executive Director
Nova Scotia Human Rights
Commission,
2000-01

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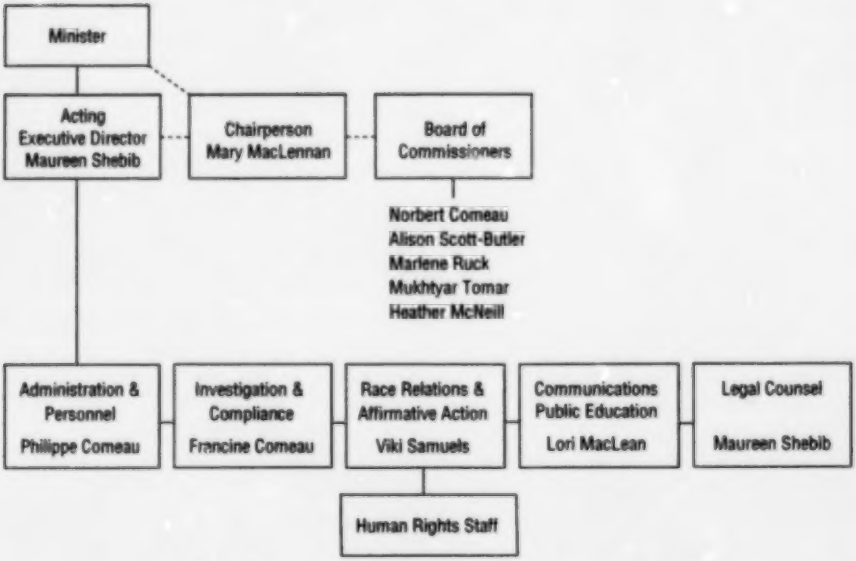
ORGANIZATION CHART— HUMAN RIGHTS COMMISSION

Dr. Jim Smith (April – December 1998)
Robbie Harrison (December 1998 – March 31, 1999)



Officers:

G. Boudreau
H. Desmond
M. Fillmore
D. Moore
G. Hayes (Sydney)
O. MacLeod (Digby)
L. Hartley
K. Beals
J. Vandervoort

Support Staff

P. Grosse
L. Smith
J. Downey
I. Farmer
F. Diggs
S. MacDonald (Sydney)
S. Everett (Digby)
B. Bonvie (New Glasgow)
J. Sparks

EXECUTIVE SUMMARY

Acting Executive Director: Maureen E. Shebib

Preface

The 1998–99 fiscal year was a busy one for the Human Rights Commission, notable for its continued growth, maturation, and success in the pursuit of equality for all Nova Scotians, in spite of budgetary limitations, considerable internal transition, and a volatile legal landscape. Pausing to review and reflect upon the 12-month period during which the incumbent executive director passed the challenge and privilege of directorship over to me, pending the recruitment and appointment of a new executive director, my first thought is to thank the remarkable cadre of Commission staff, whose dedication and support were both anchor and buoy for me: legal counsel-cum-acting-executive director. The government and citizenry of Nova Scotia can rest assured that the quest for equality for all has attracted, and continues to attract, individuals of the highest calibre of integrity, professionalism, and commitment.

The picture beyond the walls and will of the Commission itself is sometimes less positive. In many respects, the law of human rights forges boldly ahead, often dragging an ill-informed and reluctant populace behind it. Just as Canada continues to pride itself as a world leader in human rights, disadvantaged groups across the country continue to face barriers to substantive equality in employment and in the receipt of government and private-sector programs and services. For example, persons with disabilities are clearly not obtaining meaningful employment or egalitarian access to basic services and facilities, as is demonstrated by the fact that complaints on the ground of physical disability outnumbered complaints in any other single category in 1998–99. Black and Aboriginal Nova Scotians remain under-represented in professional and managerial positions and exposed to racial harassment within their workplaces and schools. Lesbian and gay people face discrimination and harassment in all areas of their lives, most still unable to declare their sexual orientation or publicly acknowledge their same-sex partners for fear not only of job loss, but of victimization by soul-destroying hate and life-threatening physical violence. Women, as noted in this Commission's last annual report, continue to confront significant gender and pregnancy related barriers to employment and advancement. Meanwhile, the number of complaints of sexual harassment remained high in 1998–99, second in volume to physical disability.

There is neither a simple explanation nor a simple remedy for the reality that, along with people in the rest of the country, many Nova Scotians are still reaching for the substantive equality proclaimed to be their entitlement in the Nova Scotia Human Rights Act. However, it is clear that with a staff of fewer than 25 people and an operating budget of $1.5 million, the Nova Scotia Human Rights Commission is ill-equipped to fully meet the needs of these individuals and disadvantaged groups, particularly in terms of the proactive mandate of the Commission to provide public education and training, and other forms of advice and assistance in both the public and private sectors.

Having said this, the Commission did begin in earnest with its strategic planning process to rethink how it can better meet the needs of its stakeholders and constituents, recognizing current trends to hold or reduce government spending. Restructuring of critical aspects, and junctures in the investigative process, have increased productivity and stakeholder satisfaction with the work of the Investigation and Compliance Division, led by Francine Comeau. A revitalized focus on the Commission's mandate to endeavour to effect settlements, and the re-deployment and enhancement of staff skilled in conciliation and mediation, including division heads Francine Comeau and Viki Samuels, have resulted in a marked improvement in the achievement of mutually satisfactory resolutions of complaints, particularly where the parties have an interest in preserving their relationship, such as that of employer and employee.

Viki Samuels has continued to lead the Race Relations and Affirmative Action Division, where she conceptualizes systemic discrimination in a manner that enables the Commission to approach its tasks with more advanced analytical tools and investigative techniques.

Restructuring of the Public Education and Communications Division in 1997 was followed by the recruitment of Lori MacLean. She led the division into new and exciting territories, and brought new life and possibilities to bear on this critical aspect of the Commission's work.

In the 1998–99 fiscal year, Philippe Comeau, Administrative Division coordinator, carried on with the implementation of much-needed technological and ergonomic upgrading of equipment and furnishings, much to the relief of central office staff. Similar improvements to the Commission's regional offices, Digby, Sydney, and New Glasgow will be reported in 1999–2000.

However, achieving these accomplishments have not been easy on a narrow budget. Staff's ability to be proactive, rather than reactive, in extending education and training opportunities across the province have been limited. This issue in addition to others is cause for concern. Future legislatures need to seriously consider significantly enhancing the budget allocation for the Human Rights Commission, as human rights work continues to become increasingly complex. Legislators must be wary of continually constraining the Commission in the fulfilment of all aspects of its mandate. While limits clearly must be set, the Commission needs more resources, human and material, as it enters the millennium. It would serve the province well for government to extend these resources to the Commission, sooner rather than later.

In short, the protection and promotion of human rights cannot be accomplished, and certainly cannot be accomplished well, in this era of rapid social change, globalization of economies, and legal volatility, unless the Commission can garner increased financial support for its activities.

1998–99 HIGHLIGHTS

March 1998 through July 1998

The achievement of same-sex pension benefits for public servants and teachers, and hosting a national human rights conference for the first time in a quarter century, were two highlights in the final months of A. Wayne MacKay's tenure as Executive Director.

Same-Sex Pension Benefits

"Step Forward for Same-Sex Couples" read the news release on May 25, 1998. An eleventh-hour settlement averted a Board of Inquiry into the complaints of Wilson Hodder and Grant MacNeil (deceased) against the Department of Finance and the Nova Scotia Teachers' Union, which was slated to begin that day. Both Hodder and MacNeil, whose complaint was carried on after his death by his surviving partner,

Paul Boulais, alleged discrimination on the basis of sexual orientation. The alleged discrimination occurred when their applications for survivors' pension benefits were denied by the province because of legislation limiting the definition of spouse to opposite-sex couples. The settlement brokered by the Commission ensured payment of survivors' pensions to all future claimants from same-sex relationships under the pension plans in question. However, the province's undertaking to correct the discriminatory definition of spouse remains unfulfilled at the end of the March 1999. It is hoped that pension legislation reform consultations held in the spring of 1999 will be followed shortly by revisions to the legislation, including the definition of spouse.

CASHRA '98

Another news release from May 1998 read: "Commission to Host National Conference." Between May 31 and June 2, 1998, Nova Scotia hosted attendees from across Canada at CASHRA '98, the Canadian Association of Statutory Human Rights Agencies annual gathering of human rights staff, commissioners, academics, lawyers, activists, and experts. The conference featured workshops and plenary sessions. Also discussed was the impact of "globalization" on human rights, arguably a siren call to all levels of government to beware of the threat that international trade agreements pose to the maintenance of domestic human rights laws, particularly in the area of discriminatory employment practices.

As stated by MacKay: "Human rights issues are changing and becoming more complex. We need to rethink some of the ways we address these issues — that is a major theme of this conference."

The three-day conference was by all accounts an unqualified success, both for its substantive content and for its organizational smoothness. Predictably, Commission staff also proved to be leaders in the not-for-profit hospitality business. In short, we put on a conference that we are proud of in every respect.

Commission Work

Other work initiated or continued by MacKay that continued during the final months of his tenure included: committee participation on the Substantive Equity Initiative undertaken during the previous reporting period (1996–98); the Coalition Against Sexual Harassment in Schools (CASH in Schools); and the Joint Human Rights and Education Committee, revived during MacKay's term. Management-level team

building was concluded, as were divisional action plans, the latter an outgrowth of the strategic planning process engaged in during 1996-98. Work continued on the Commission's Policy Compendium, as did efforts to bring more clarity to the role of commissioners and the Executive Director.

August 1998 through March 1999

On August 1, 1998, I assumed the role of Acting Executive Director, an appointment later extended pending completion of the new Executive Director search. I continued as Acting Executive Director, beyond the end of the fiscal year 1998–99.

Commissioners

During the fall of 1998 a number of policies were brought forward for approval by the Commissioners, thereby increasing the number of policies adopted by the Commission since 1995. The substance of these policies ranged from establishing guidelines for the review of assessment team decisions to providing interpretive guidance on complaints relating to pregnancy under the Act.

As a result of an effort in 1998 to increase the diversity and geographical location of board of inquiry panellists, two new chairs were added to the panel by the Commission in the fiscal year. The terms of existing panel members, that were slated to expire in March, were extended until September. This afforded the Commission an opportunity to review the structure of the panel and its recruitment and selection process, among other things, to ensure a sufficient degree of independence of the panel from the Commission. Work on this project continued into fiscal 1999–2000, with a view to complete it within that reporting period.

The number of Commissioners decreased to five in November 1998 when Heather McNeill's one-year appointment expired. In January, Mukhtyar Tomar resigned as a Commissioner to take up a permanent appointment with the Canadian Human Rights Commission. The terms of the remaining four Commissioners, slated to expire in February 1999, were extended by government until April 1999, pending completion of the selection and approval of a new slate of Commissioners.

The Commissioners continued to receive final reports on investigations, settlement proposals, and a range of related matters for determination at their regular monthly meetings.

External Activities and Events

I represented the Commission as co-chair of the Joint Human Rights and Education Committee, which met quarterly.

I also represented the Commission at Acadia University's UN 50 celebrations, as keynote speaker at a banquet organized by its Human Rights Club in November 1998.

On three occasions in the fall and spring I attended meetings and workshops at the University College of Cape Breton, including: a meeting with UCCB's human rights and affirmative action committee; participation in a two-day conference featuring Dr. Juliet Darke of Queen's University; delivery of a speech on sexuality and discrimination issues; and participation in a one-day forum commemorating the International Day for the Elimination of Racial Discrimination. The latter event was followed by delivery of a speech at the UCCB International Students' Society Banquet.

During my first visit to Cape Breton in November 1998, I also met with representatives of the Cape Breton Regional Municipality Affirmative Action Committee and with a delegation from Community Involvement of the Disabled. During the final visit in March 1999, I met with a lawyer working with the Nova Scotia Rainbow Action Projects (NSRAP), as a precursor to attending a full meeting of NSRAP later that month in Halifax.

In December 1998 I participated in a panel discussion on human rights and same-sex couples held by the Halifax gay and lesbian community.

During the reporting period, many other staff members participated in panel presentations, gave speeches, facilitated training workshops, attended various external committee meetings, and were generally out and about in the community, as much as time and resources allowed. Details of some of these activities are found later in this report under divisional activities.

Two key events that involved the Commission in a leadership capacity, were December 10, 1998, International Human Rights Day, and March 21, 1999, International Day for the Elimination of Racial Discrimination. Both events were a huge success, attracting large numbers of attendees. Lori MacLean and Viki Samuels deserve special thanks for overseeing the planning and implementation of each day's activities. Please refer to their reports for a more detailed account.

Two important affirmative action agreements were signed in this reporting period, the first between the Commission and Bryony House; the second between the Commission and the Halifax Regional Municipality. Both signings were attended by the Ministers responsible for the administration of the Human Rights Act at the time — Dr. Jim Smith and Mr. Robbie Harrison, respectively.

Mi'kmaq History Month was celebrated with the Commission's first-ever Open House held in its honour, on October 9, 1998. The festivities included music, displays and a video, and remarks by Dr. Jim Smith.

Several staff attended a large gathering at Dalhousie Law School in January 1999 to speak on the work of the Commission. I also spoke to a gathering organized by Dalhousie Women and the Law, both as Acting Executive Director and legal counsel to the Commission.

Several staff attended the African Heritage Month gala, as well as earlier celebrations in Hammonds Plains.

Internal Activities and Accomplishments

The Nova Scotia Human Rights Commission Policy Compendium, a document long in the drafting, was finalized in November 1998. While this manual will always be a work in progress, completion of the first up-to-date version was celebrated by all.

Training on investigating systemic discrimination, a critical component of the Commission's Substantive Equity Initiative, was completed during the 1998–99 reporting period.

Training modules were completed through the perseverance of several staff in relation to sexual harassment, sexual orientation, and Train-the-Trainer workshops, which were then piloted in collaboration with staff of the World Trade and Convention Centre in early 1999. By all accounts the materials and the workshops have been very well received and will form the basis for future external training initiatives.

Work on the development of a mediation protocol and process for the Commission was undertaken by Francine Comeau, Viki Samuels, and myself. We have been studying the design of such alternative dispute resolution models recently implemented in some other provinces, as well as consulting with mediation professionals. This project is expected to reach completion, including a proposal for the implementation of a formal mediation process for the Commission, within the next year.

In January and February 1999, the Commission's Business Plan and budget proposal for 1999–2000 were submitted, with input from all division heads.

The Commission submitted recommendations to the Department of Finance with regard to pension legislation reform in the final quarter of this reporting period, including lengthy submissions on the need for amendments to the discriminatory definition of spouse still found in the legislation. As noted earlier, it is certainly expected that the government will live up to its undertaking in the settlement of the complaints of Wilson Hodder and Grant MacNeil to amend the definition of spouse to include same-sex spouses.

Throughout the reporting period I routinely gave instructions to outside legal counsel retained to represent the Commission in a number of complaints for which Boards of Inquiry had been appointed. As discussed in my brief Legal Division report, some of these matters were settled prior to the actual hearings, and some were ongoing at the end of March 1999. The decision of the chairs in the two matters which went before Boards of Inquiry early in 1999 were still pending at the end of the fiscal year.

Finally, I chaired meetings regularly with the coordinating team and with all staff. I continued to participate as a member of the assessment team and to attend meetings of human rights officers whenever possible.

Other Milestones

In December 1998, the Governor in Council finally approved the long awaited Human Rights Board of Inquiry Monetary Orders for Compensation Regulations. Proclamation came on December 10, International Human Rights Day, which was also the last day of Dr. Smith's tenure as Minister responsible for administration of the Human Rights Act. The regulations now make it possible for the Commission to seek to enforce Board of Inquiry orders for payment of monetary compensation to victims of discrimination. Nova Scotia was the last province in Canada to grant its commission this fairly straightforward enforcement power.

In January 1999, the Commission joined forces with other commissions across the country in seeking leave to intervene in the appeal to the Supreme Court of Canada in the matter of *The British Columbia Human*

Rights Commission et al. v. Robin Blencoe. In this case, the British Columbia Court of Appeal tossed out two complaints of sexual harassment against Mr. Blencoe, a former provincial politician, on the basis that the time frame for dealing with the complaints (approximately 30 months) had infringed Mr. Blencoe's right to life, liberty and security of the person under s. 7 of the Canadian Charter of Rights and Freedoms. The implications of the 2–1 decision of the British Columbia Court of Appeal are so grave as to have immediately prompted an application for leave to appeal by the British Columbia Human Rights Commission and Tribunal, among others. A majority of the provinces, including Nova Scotia, subsequently sought leave to intervene before the Supreme Court of Canada. It is expected that the matter will be heard by the Supreme Court of Canada in the fall of 1999. Commission co-counsel Lara J. Morris, and I expect to be presenting the Commission's oral argument to the Court at that time.

Concluding Observations

I prefaced the summary of the Commission's activities in 1998–99 with the assertion that the year witnessed continued growth, maturation, and success for the Commission in the pursuit of equality in spite of it being a period of significant transition for the Commission itself, not to mention volatility in the development of human rights law and practice. When the Client Service Plan for 1998–99 is compared to the other activities detailed in this report, it becomes clear that the hard work and dedication of staff, even in the face of leadership changes, enabled the Commission to still meet many, if not most, of the goals set out in that plan.

The Commission and all of its staff deserve credit for staying the course during this busy year, and during the protracted search for a new Executive Director which remained ongoing at the end of March 1999.

It has been an honour, albeit no small challenge on some days, to serve as Acting Executive Director during these tumultuous times. I remain indebted to Commission staff and the Commissioners who served during 1998–99 for their loyalty, support, and cooperation throughout my period of leadership. I conclude, then, with the sincerest of thanks to the staff and Commissioners.

I also offer my appreciation to the two ministers, Dr. Smith and Mr. Harrison, under whom I served.

COMMISSIONERS

Chairperson: Mary MacLennan

Members: A. Wayne MacKay
Maureen E. Shebib
Norbert Comeau
Heather McNeill
Marlene Ruck
Alison Scott-Butler
Mukhtayr Tomar

PROFILES

Mary MacLennan

Mary MacLennan, of Halifax, is a lawyer active in all areas of human rights. She has also recently become active on an international level. From 1990 to 1992 she served as the City of Halifax's Multicultural and Race Relations Coordinator. In 1993 she was the recipient of the Nova Scotia Human Rights Award. MacLennan was appointed a member of the Nova Scotia Human Rights Commission on March 1, 1994, and became Chairperson of the Commission on March 1, 1996. She also serves as a part-time Commissioner with the Canadian Human Rights Commission. In addition to her professional career, MacLennan has served as a member of the editorial board for Just Cause, a law journal for people with disabilities and legal professionals, and on the board of directors of Wee Care Development Centre. She also serves on the Minister's Advisory Committee on Reproductive and Genetic Technologies, Health Canada.

Wayne MacKay

A. Wayne MacKay was named Executive Director of the Human Rights Commission in September 1995 and served in that position until September 1, 1998. As Executive Director, MacKay also served as a Commissioner. He has taught at Dalhousie Law School since 1979. MacKay's expertise is in the areas of constitutional law and human rights, and he has written extensively on these subjects. As a lawyer and legal consultant, he has litigated trail-blazing cases in human rights and education law. He was the founding Director of the Programme for Indigenous Blacks and Mi'kmaq at Dalhousie University Law School; chaired the President's Task Force on Access for Blacks and Native People; and was a member of the Pay Equity Commission of Nova Scotia. He was also on the panel for Boards of Inquiry under both the provincial and federal human rights commissions.

Maureen Shebib

Maureen E. Shebib, of Halifax, was named Acting Executive Director of the Human Rights Commission on September 1, 1998. In January 1996 she was appointed the first full-time, in-house Legal Counsel to the Human Rights Commission. Shebib is a graduate of Dalhousie Law School and worked as a lawyer at Dalhousie Legal Aid Service (Halifax) from 1985 to 1992. From 1993 to 1996 she was Program Coordinator of the Guelph-Wellington Sexual Assault Program, Guelph, Ontario. Between 1988 and 1992, Shebib co-taught Poverty Law at Dalhousie University Law School, and in 1991–92, she co-taught The Legal Status of Women and Family Law at Mount Saint Vincent University. Shebib is a member of the Nova Scotia Barrister's Society and the Law Society of Upper Canada. In 1998 she completed her Masters of Law.

Norbert Comeau, of Church Point, Digby County, has worked as a school administrator with the Clare-Argyle School Board since 1974. He is presently employed as Principal at École Stella Maris in Meteghan. He is also active in various Acadian community organizations.

Heather McNeill, of Halifax, was appointed a Commissioner in November 1997. Her term ended in November 1998. McNeill is a graduate of Dalhousie Law School, having participated in the Indigenous Blacks and Mi'kmaq Programme. She is a lawyer at Dalhousie Legal Aid Services with a primary interest in family law and human rights. She is involved in justice and community affairs in the Mi'kmaq community.

Marlene Ruck is a school psychologist with the Halifax Regional School Board. She has a particular interest in race relations pertaining to education and social issues. Her term as a Commissioner ended in April 1999.

Alison Scott-Butler, of Port Williams, Kings County, is a lawyer with considerable experience and interest in the area of family law and children's rights. Scott-Butler is a home-based sole practitioner. She was first appointed to the Commission in March 1994 and served until April 1999.

Mukhtyar Tomar is a retired teacher who lives in Dartmouth. He has been enormously active in Nova Scotia's multicultural community for over 25 years, serving as a founding member of the Halifax-Dartmouth Metro Multicultural Council, and past-President of the Indo-Canadian Association of Nova Scotia, the Multicultural Association of Nova Scotia, the Atlantic Multicultural Council, and the United Nations Association of Canada, Halifax-Dartmouth Branch. In 1993, Tomar received the Commemorative Medal for the 125th Anniversary of the Confederation of Canada, and he was awarded the Multicultural Association of Nova Scotia Recognition Award in 1995. His term as a Commissioner ended in December 1998, when he was appointed to the Canadian Human Rights Tribunal.

CASHRA '98

If one event stood out from all the rest in the 1998–99, it had to be CASHRA '98.

CASHRA stands for the Canadian Association of Statutory Human Rights Agencies. It's members include the human rights commissions in each province and territory, as well as the federal human rights commission. Each year a national conference is held in a different province. In 1998, it was the Nova Scotia Human Rights Commission's turn to play host. CASHRA '98 marked the first time in 25 years that the province hosted the conference.

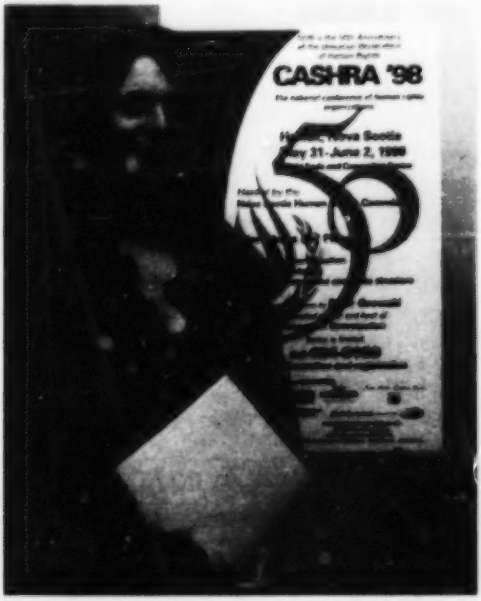
CASHRA '98 had special significance because it was held during the 50th anniversary year of the United Nations' Universal Declaration of Human Rights. It was fitting that the theme for CASHRA '98 was a look at Human Rights in the 21st Century (Change Agents for the 21st Century).

Approximately 130 delegates from across Canada attended the conference in Halifax during the weekend of May 31–June 2. These delegates included commissioners and staff from provincial human rights commissions, the Canadian Human Rights Commission, academics, lawyers, and equity officers from major corporations and organizations.

The conference featured workshops and plenary sessions on such topics as systemic discrimination and conflict resolution through mediation. Delegates looked at two emerging human rights fields: intersectionality and globalization. Intersectionality is discrimination based on more than one ground. Globalization is the practice of human rights across international borders.

Peter Gzowski, host of CBC's Gzowski in Conversation, delivered the conference's keynote speech on June 1.

Many thanks to those who planned or participated in CASHRA '98, and particularly to the conference steering committee. It was through the committee's efforts that this conference was a success.



Ms. Shauna Walters, conference coordinator, CASHRA 1998.

ADMINISTRATIVE DIVISION

Administrative Officer: Philippe Comeau

The Administrative Division supports the Commission in six areas: administrative services, personnel services, records management, finance, electronic data processing, and operations.

Administrative Services ensures that each section develops a coordinated approach to all initiatives and activities that affect the Commission. These include office facilities, space management, office automation, implementation of policy and procedures, purchases, courier services, supplies, and inventory control measures.

Personnel Services provides effective facilities and working conditions for Commission staff. Specific activities include the maintenance of staff files and personnel administration records.

The Records Management Section ensures that records are organized and handled through a centralized records entry and retrieval system. This includes the care and custody of all documents, circulation control, and the final disposition of records.

Financial Services keeps track of all financial and accounting matters within the Commission's central office and three regional offices. The section's responsibilities for accounting systems include expenditures, Order-In-Council commitments, cost sharing, and cost accounting. This section records the approval system for all capital operating expenditures and inputs payment data to the Department of Finance, which disburses cheques to creditors.

The Electronic Data Processing section supports a 25-user local area network, e-mail, human resources management systems, payroll services, personnel, and financial transactions.

The Operations section ensures the smooth and orderly day-to-day and long-term operations of the Commission, including the leasing of space, vehicles, and equipment.

During the period covered by this report, the Commission did extensive upgrading to the computer systems in its central office, including new computer work stations. It also allocated funds to upgrade its regional offices in the new fiscal year.

In the course of this reporting period, the Commission also employed students through co-operative Education Program and the Diversity Initiative and Mentorship Program. Some employees were hired to replace staff who were on secondment, on leave, or transferred to other government departments.

Staff Changes

A. Wayne MacKay

On September 1, 1998, after serving for three years as the Commission's Executive Director, Mr. MacKay returned to his duties as a law professor at Dalhousie University. While the Commission conducted an executive search, Maureen Shebib, the Commission's legal counsel, served as the Acting Executive Director for the remainder of the year.

Lori MacLean

Lori MacLean

Lori MacLean came to the Commission in April 1998 to fill the position of Communications and Public Education Coordinator. A journalist and a public relations professional, she holds a bachelors degree in arts and sciences from Dalhousie University, and a Master of Journalism from Carleton University. Prior to her arrival at the Commission, Ms. MacLean worked at the province's health department as a media relations officer.

Kim Beals

Kim Beals

Kim Beals arrived at the Commission in March 1999 to work as a human rights officer. Her main responsibility involves taking inquiries from the public. She has a degree in social work from Dalhousie University and worked in the field of child welfare before coming to the Commission. When she's not busy at her desk, Beals promotes gospel music and racial harmony as a member of the Nova Scotia Mass Choir.

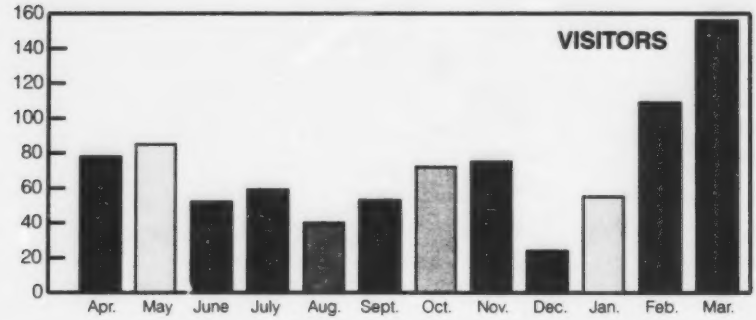
Julie Vandervoort

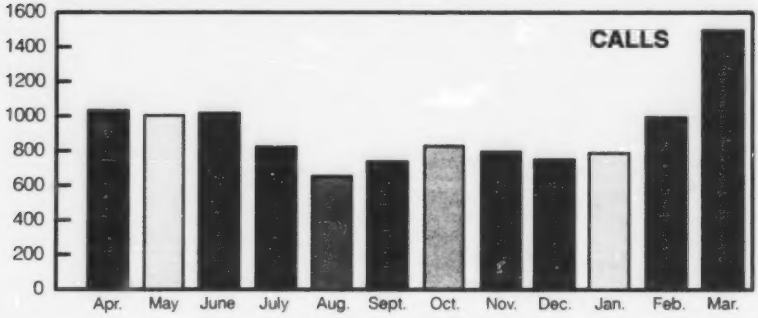
Julie Vandervoort, who has joined the Commission in February 1998 as a human rights officer on a one-year term appointment, has left the Commission to pursue a writing project.

Fonda Diggs

Fonda Diggs, a receptionist who originally joined the Commission in March 1996, became a term employee after one year.

INQUIRY STATISTICS
April 1998 to March 1999





	Visitors	Calls
April	76	1032
May	85	1005
June	52	1018
July	59	823
Aug	40	655
Sept	53	740
Oct	72	830
Nov	75	796
Dec	24	750
Jan	55	788
Feb	109	995
Mar	156	1497
Total	**856**	**10,929**

COMMUNICATIONS AND PUBLIC EDUCATION DIVISION

Coordinator: Lori MacLean

The Communications and Public Education Division plays a critical role in sharing information on the activities of the Commission with the public, encouraging public dialogue on human rights matters, and fostering broader understanding of those matters.

In April 1998, Lori MacLean joined the division as coordinator. During 1998-99, Ms. MacLean focused on improving the Commission's external and internal communications and public education activities.

Improvement of external communications has been a priority, particularly relations with media and partners in the community. The Commission focused on being open and proactive in communicating its message, particularly with respect to Boards of Inquiry decisions and matters discussed at the boards. The division worked with the Legal Division to establish procedures for releasing information from Boards of Inquiry to inform the public on the status of human rights matters before the Commission. The division represented the Commission at meetings of the Multicultural Association of Nova Scotia and the Multicultural Education Council of Nova Scotia. The division also participated in meetings of the Joint Human Rights and Education Committee co-chaired by the Executive Director of the Commission and the Deputy Minister of Education.

Internal communications were strengthened in several areas. Weekly distribution of an internal newsletter to share information on Commission activities was a key element in this commitment to staff. As well, protocols were established to share information with Commission staff prior to it being made public. The division also took on the responsibility to help generate broader staff awareness and understanding of human rights matters in other jurisdictions by sharing news reports and other information items on a regular basis.

Complaints based on alleged incidents of sexual harassment are among the most common complaints made to the Commission. With the Race Relations and Affirmative Action Division taking on diversity training as part of its mandate, the Communications and Public Education Division was able to offer training and assistance on sexual harassment awareness to workplaces and schools. Clients for the

training included supervisors in the provincial ambulance service and staff of not-for-profit organizations.

All of this work would not have been possible without the diligent efforts of a number of students who assisted the division during the year. Tracie Noftle, a co-op student from the Master of Public Administration program at Dalhousie University, provided much of that support. As well, this annual report would not have been possible without the tremendous work of Lynn Gilbert, a student in the public relations diploma program at the Nova Scotia Community College who completed her work placement at the Commission. Mention should also be made of the work by Jennifer Porter, a human resources student from the community college, who updated and organized sexual harassment awareness materials. As well, assistance was offered by Kelly Thomas who worked primarily with the Race Relations and Affirmative Action Division.

Indeed, this report would be incomplete without noting the work by Shauna Walters as the CASHRA '98 conference coordinator. Shauna's conscientious and committed work ethic helped to make the conference flow smoothly from start to finish. The conference was a showcase for the educational power of such gatherings for those who attended, including many Commission staff, and the public who had an opportunity to read about the conference through media reports.

Some highlights in the areas of external communications, internal communications, and public education are described below:

External communications

- Development of a new website to allow the Commission to better share information on its work with the public. The site is to include an area for posting Board of Inquiry and court decisions involving the Commission as well as news releases and other information material for the public.
- News release protocol was put in place in coordination with Communications Nova Scotia to ensure timely dissemination of news releases to all media outlets in the province.

- Proactive contacts initiated with media to explain the Commission's activities and messages, focusing on key achievements such as hosting the national human rights conference (CASHRA) in June 1998; signing affirmative action agreements; and highlighting special events and legal matters such as boards of inquiry; and the regulation to give the Commission enforcement powers approved in December 1998.
- Development of a standard visual identity in cooperation with Communications Nova Scotia for the Commission's public information materials.
- Creation of new fact sheets and a guide to the complaint process to better communicate the Commission's work in a professional and standardized manner.
- Development of an overview report on the CASHRA '98 conference hosted by the Commission.

Internal Communications

- *Week at the Commission* newsletter for staff to share information on Commission activities.
- Sharing of news releases and other information with Commission staff on a routine basis.
- Regular distribution of news items focusing on human rights issues from local and international publications to staff.

Public Education

- Development of a standard training module on sexual harassment awareness for the workplace. Participants attending have enthusiastically received the module.
- Enhanced work on the Coalition Against Sexual Harassment in Schools, including a focus group held with students at Cavalier Drive School in Lower Sackville, N.S.; creation of a Tips for Students fact sheet on sexual harassment awareness; and expansion of the coalition's membership to include staff at the Department of Education involved in curriculum development.
- Development of standard one-hour presentations on sexual harassment awareness for students from grades 5 to 12.

- Organization of public events such as the open house held at the Commission to celebrate Mi'kmaq History Month. And in partnership with the Race Relations and Affirmative Action Division and community partners, coordination of activities for December 10 (International Human Rights Day) and March 21 (International Day for the Elimination of Racial Discrimination), including the highly successful bookmark design campaign with elementary students in the Halifax Regional Municipality and the inaugural human rights journalism awards honouring excellence in reporting on human rights matters.
- Participation in public events to raise the Commission's profile, including: the annual Multicultural Festival on the Dartmouth waterfront; Drumspeak, a special night of drumming from African, Latin American, Aboriginal and Celtic traditions to celebrate United Nations Day and the 50th Anniversary of the Universal Declaration of Human Rights; and the public fair held as part of the celebrations for Treaty Day on September 30 and October 1.

INVESTIGATION AND COMPLIANCE DIVISION

Coordinator: Francine Comeau

The Investigation and Compliance Division comprises a coordinator and nine human rights officers, whose main functions are to investigate complaints of discrimination, seek settlement of these complaints, and prepare reports for the Commission.

In this past fiscal year, the division focused on reducing the backlog of complaints, and the time frame for processing files. The assessment process, which provides for early review of the complaint, was initiated on April 1, 1996. It offers a more effective and holistic response to human rights problems by uniting several divisions of the Commission. It also facilitates the earlier resolution of complaints that have some merit and affords the opportunity to discontinue investigations where there does not appear to be sufficient cause to proceed further.

The process is effective and is welcomed by both respondents and complainants because it provides a preliminary decision on files, within an average of six to eight months, rather than in excess of a year. This has helped to significantly reduce the backlog of complaints.

Inquiries/Referrals

In any given month, the Commission receives hundreds of telephone calls, pieces of correspondence, and visits from individuals seeking advice on human rights issues that affect their daily lives. In matters that do not fall within the Commission's formal jurisdiction, staff members limit their participation to that of a helping role, often referring the individual to the appropriate organization or government body.

Interventions

In some instances, the Commission uses intervention to resolve issues without having the complainants lodge formal complaints. These interventions are limited to jurisdictional matters, which would likely proceed to a formal complaint if they could not be resolved by intervention. Negotiations in the intervention process are considered confidential and without prejudice. In other words, the information can not be used for any other purpose. An agreement between the parties results in the termination of proceedings by the Commission. When a complaint is disposed of in this manner, there is no finding of fault and

no assessment of the merits of the complaint. If the intervention fails to reach an agreement, the complaint is referred to a human rights officer, who conducts a full investigation.

In this fiscal year, the Commission conducted 84 interventions. Of this number, 62 were resolved in a manner which was satisfactory to all parties. The remaining 22 complaints proceeded to formal investigation.

Allegations

In some cases, allegations of discrimination brought to the Commission are not pursued because the available evidence does not support the complaint. Human rights officers have received training to enhance the effectiveness of the initial counseling they provide when receiving inquiries and reviewing allegations. With more in-depth analysis at the outset, people are better able to assess the appropriateness of a human rights complaint as a solution to their concerns. In some situations, an analysis of an allegation will lead to a conclusion that the matter did not fall within the jurisdiction of the Nova Scotia Human Rights Act.

In the 1998–99 fiscal year, this process resulted in 35 files being closed without proceeding to a formal complaint.

Formal Complaints

When an individual makes an allegation of discrimination, the human rights officer collects evidence on the complainant's and the respondent's positions. Relevant documents are studied and witnesses are often interviewed.

The Human Rights Commission worked on 362 files involving 413 allegations, including Boards of Inquiry. The following tables illustrate the distribution of all formal complaint files, some of which were lodged on more than one ground. At the end of the fiscal year, there were approximately 44 complaints on the backlog that had not yet commenced.

FORMAL COMPLAINTS

EMPLOYMENT 1998–1999	**Resolved/Settled amongst parties,**	**Withdrawn/ Abandoned**	**Discontinued**	**Board of Inquiry**	**Ongoing**	**Total**	**Successful Intervention**
Race/Colour	3	4	15	1	21	44	6
Religion/Creed	–	–	3	1	3	7	–
Aboriginal Origin	1	–	1	–	–	2	2
Ethnic/National Origin	1	2	8	–	4	15	–
Sex (Gender)	8	2	8	–	23	41	–
Pregnancy	8	2	4	1	17	32	4
Sexual Harassment	13	5	8	2	29	57	9
Sexual Orientation	2	–	3	1	1	7	1
Physical Disability	13	3	9	2	38	65	11
Mental Disability	5	1	2	–	3	11	4
Marital Status	1	–	3	1	4	9	1
Family Status	3	2	–	2	5	12	1
Age	1	2	6	–	3	12	–
Source of Income	–	–	2	–	–	2	–
Political	–	1	3	2	6	12	–
Association	1	–	–	–	3	4	–
Irrational Fear	2	–	–	–	–	2	–
Retaliation	1	1	2	–	4	8	1
Total	**63**	**25**	**77**	**13**	**164**	**342**	**40**

FORMAL COMPLAINTS

SERVICES 1998–1999	**Resolved/Settled amongst parties,**	**Withdrawn/ Abandoned**	**Discontinued**	**Board of Inquiry**	**Ongoing**	**Total**	**Successful Intervention**
Race/Colour	1	1	6	–	5	13	6
Religion/Creed	–	–	–	–	–	–	–
Aboriginal Origin	–	4	1	–	1	6	3
Ethnic/National Origin	–	2	–	–	1	3	1
Sex (Gender)	–	–	–	–	6	6	1
Pregnancy	–	–	1	–	–	1	–
Sexual Harassment	–	–	3	–	3	6	1
Sexual Orientation	1	–	–	2	1	4	–
Physical Disability	3	2	4	–	5	14	6
Mental Disability	–	–	1	–	–	1	–
Marital Status	1	–	1	–	–	2	1
Family Status	–	–	–	–	1	1	–
Age	–	–	1	–	1	2	–
Source of Income	–	–	–	–	1	1	–
Political	–	–	–	–	–	–	–
Association	–	–	–	–	–	–	–
Irrational Fear	–	–	–	–	1	1	–
Retaliation	–	–	1	–	1	2	–
Total	**6**	**9**	**19**	**2**	**27**	**63**	**19**

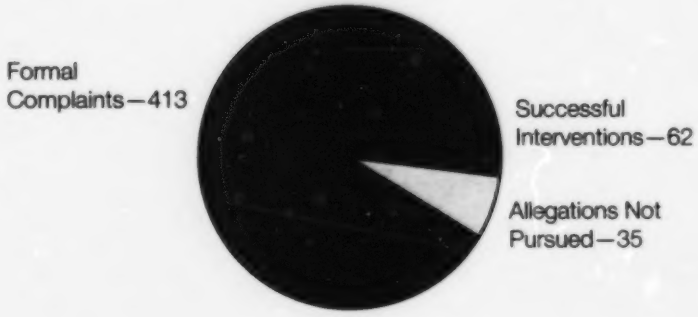
FORMAL COMPLAINTS

ACCOMMODATION 1998–1999	**Resolved/Settled amongst parties,**	**Withdrawn/ Abandoned**	**Discontinued**	**Board of Inquiry**	**Ongoing**	**Total**	**Successful Intervention**
Race/Colour	–	–	–		–	–	–
Religion/Creed	–	–	–	–	–	–	
Aboriginal Origin	–	–	–	–	–	–	–
Ethnic/National Origin	–	–	–	–	–	–	–
Sex (Gender)	–	–	–	–	–	–	–
Pregnancy	–	–	–	–	–	–	–
Sexual Harassment	–	–	–	–	–	–	–
Sexual Orientation	–	–	–	–	–	–	–
Physical Disability	–	–	–	–	–	–	–
Mental Disability	–	–	–	–	–	–	–
Marital Status	–	–	–	1	–	1	–
Family Status	–	–	–	1	–	1	–
Age	–	–	2	–	–	2	–
Source of Income	–	–	–	–	–	–	–
Political	–	–	1	–	–	1	–
Association	–	–	–	–	–	–	–
Irrational Fear	–	–	–	–	–	–	–
Retaliation	–	–	–	–	–	–	–
Total	**0**	**0**	**3**	**2**	**0**	**5**	**0**

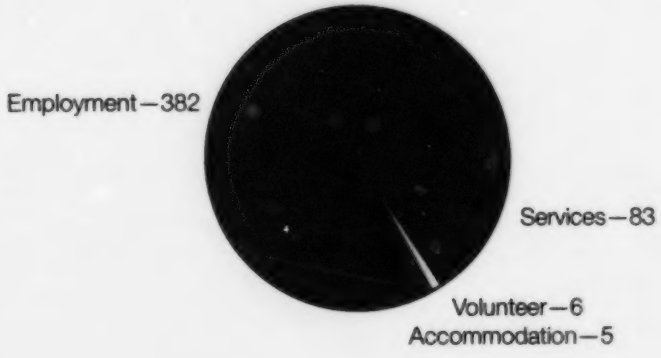
FORMAL COMPLAINTS

VOLUNTEER/ PUBLIC SERVICE 1998–1999	**Resolved/Settled amongst parties,**	**Discontinued**	**Ongoing**	**Total**	**Successful Intervention**
Race/Colour	–	–	–	–	–
Religion/Creed	–	–	–	–	–
Aboriginal Origin	–	–	–	–	–
Ethnic/National Origin	–	–	–	–	–
Sex (Gender)	1	–	–	1	2
Pregnancy	–	–	–	–	–
Sexual Harassment	–	–	–	–	–
Sexual Orientation	–	–	–	–	–
Physical Disability	–	–	–	–	–
Mental Disability	–	–	–	–	1
Marital Status	–	–	–	–	–
Family Status	–	–	–	–	–
Age	–	–	1	1	–
Source of Income	–	–	1	1	–
Political	–	–	–	–	–
Association	–	–	–	–	–
Irrational Fear	–	–	–	–	–
Retaliation	–	–	–	–	–
Total	**1**	**0**	**2**	**3**	**3**

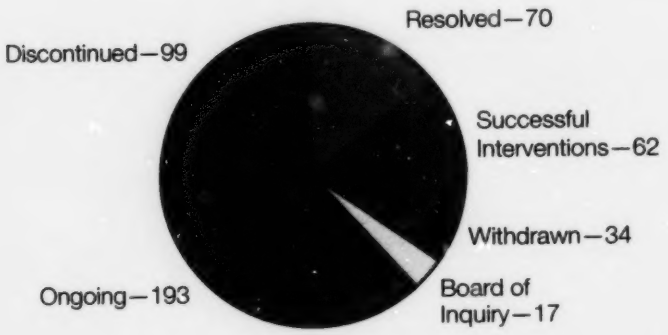
Classification of Files
1998–99



Complaints by Area
(includes Successful Interventions)
1998–99



Disposition of Complaints
1998–99



Ongoing	Files presently being investigated
Resolved	Complaints settled in a manner acceptable to all parties
Discontinued	Closed by assessment team or Commission
Board of Inquiry	Board of Inquiry appointed
Withdrawn	Complaint withdrawn or abandoned by complainant
Successful interventions	Matter settled without proceeding to a formal complaint

Settlements

The resolution of complaints where there is some support for the allegation continues to be a significant function of the division. The Commission's policy is to accept, as a term of settlement, a clause that requires confidentiality or prohibits publication unless the Commission determines that it is not in the public interest to accept such a term of settlement in this complaint.

Settlements vary and could include such terms as an apology, a letter of reference, financial compensation, policy changes, and/or an assurance of compliance with the Nova Scotia Human Rights Act. Staff also conduct human rights awareness sessions, or sensitivity training, sessions as a term of settlement to a complaint.

LEGAL PROCEEDINGS

Boards of Inquiry and Supreme Court

If settlement between the parties is not possible, the Human Rights Commission reviews the complaint and may appoint a Board of Inquiry to hear the matter. These decisions can be appealed on a question of law to the Supreme Court of Nova Scotia, Appeal Division. In addition, parties can seek applications for an order of mandamus and/or judicial review before the Supreme Court of Nova Scotia.

Decisions were rendered by eight Board of Inquiry or court decisions in 1998–99.

Services—Sexual Orientation

Grant MacNeil v. The Nova Scotia Department of Finance and the Nova Scotia Teachers' Union
Board of Inquiry—Patrick J. Duncan Q.C.

Date of Complaint—April 12, 1995
Date of Appointment—August 23, 1995
Date of Hearing—April 11, 1997; May 25, 1998
Date of Decision—June 8, 1998
Settled prior to hearing.

MacNeil, who is now deceased, alleged that he was discriminated against by the Department of Finance and the Nova Scotia Teachers' Union, when they failed to consider his same-sex partner as his

spouse for the purposes of the Teachers' Pension Plan and the Nova Scotia Teachers' Union medical plan. He alleged that this discrimination violated the act and section 15(1) of the Charter.

Terms of Settlement

- Effective July 1, 1998, survivor pension benefits and health care premiums will be extended to the surviving partners of same-sex relationships. Pension benefits will be paid either from the Teachers' Pension Plan, if Rosenberg v. Canada is not appealed, or directly from the Province if Rosenberg is appealed, pending the outcome. The Province will introduce and support any needed legislative changes.
- The Province will pay $35,670 past pension benefits and $1,680 in health care premiums, plus other unreimbursed medical expenses, to Paul Boulais, MacNeil's partner.

Services—Sexual Orientation

Wilson Hodder v. The Nova Scotia Department of Finance Board of Inquiry—Patrick J. Duncan Q.C.

Date of Complaint—April 11, 1995
Date of Appointment—August 23, 1995
Date of Hearing—April 11, 1997; May 25, 1998
Date of Decision—June 8, 1998
Settled prior to hearing.

Hodder alleged that he has been discriminated against by the Department of Finance in its failure to recognize him as the spouse of his deceased same-sex partner for the purposes of the Public Service Superannuation Pension Plan.

Terms of Settlement

- Effective July 1, 1998, survivor pension benefits under the Public Service Superannuation Act will be extended to the surviving partners of same sex relationships. Pension benefits will be paid either from the public service pension plan, if Rosenberg v. Canada is not appealed, or directly from the Province if Rosenberg is appealed, pending the outcome. The Province will introduce and support any needed legislative changes.
- The Province will pay Hodder $30,540 in past pension benefits.

Procedure—Fairness

John A. Baker v. the Nova Scotia Human Rights Commission
Supreme Court of Nova Scotia—Justice Margaret J. Stewart in Chambers

Date of Complaint—October 16, 1996
Date of Hearing—August 11, 1998
Application denied.

This was an application for an order of mandamus, compelling the Commission to appoint a Board of Inquiry to hear Baker's complaint. Baker's complaint was discontinued by the Commission's Assessment Team on April 16, 1998. Baker alleged that the Commission was biased against him and failed to investigate and assess the evidence fairly.

Justice Stewart denied Baker's application. She found that the Commission was not biased or acted in bad faith and that it properly exercised its discretion to discontinue complaints when they are not supported by the evidence.

Employment—Physical Disability

Richard Levangie v. The Daily News and/or Newcap Inc. and/or Mark Richardson
Board of Inquiry—Dianne Pothier

Date of Complaint—June 25, 1995; amended June 8, 1998
Date of Appointment—April 3, 1998
Date of Report—December 16, 1998
Settled prior to hearing.

Levangie alleged that he was discriminated against because of his disability—environmental illness—when his employer failed to accommodate him by allowing him to work out of his home on a full-time basis.

Terms of Settlement

- Undisclosed payment to Levangie.

Accommodation—Family Status

Marc Gautier v. Marlene Sable and/or Capital Realties Ltd.
Board of Inquiry—V. Francine McIntyre
Date of Complaint—July 13, 1995
Date of Appointment—June 26, 1998
Date of Settlement—January 29, 1999
Complaint settled prior to hearing.

Gautier alleged that Sable refused to rent him an apartment because he has a child.

Terms of Settlement

- $1,000 in general damages to Gautier.

Employment—Sexual Orientation

Anthony Meldrum v. Heritage Motors Limited (Heritage Nissan)
Board of Inquiry—Eric Durnford, Q.C.

Date of Complaint—June 16, 1997
Date of Appointment—October 2, 1998
Date of Report—February 1, 1999
Settled prior to hearing.

Meldrum alleged that he was harassed at his employment at Heritage because of his sexual orientation.

Terms of Settlement

- $8,000 general damages to Meldrum.
- Sensitivity training for Heritage staff and management.
- Apology to Meldrum.

Employment—Political Affiliation

Donald Rochford v. the Office of the Premier and the Department of Human Resources
Board of Inquiry—Lyle Sutherland

Date of Complaint—March 3, 1996
Date of Appointment—July 30, 1998
Date of Decision—March 3, 1999
Settled prior to hearing.

Rochford alleged that he was discriminated against because of his lack of Liberal Party affiliation when he was not appointed as Chief of Protocol for Nova Scotia in 1994.

Terms of Settlement

- $67,500 general damages to the complainant.
- No admission of liability.

Employment—Political Affiliation—Procedure

Executive Council of Nova Scotia et al v. H. Archibald Kaiser and the Nova Scotia Human Rights Commission
Supreme Court of Nova Scotia—Justice J.W.S. Saunders

Date of Complaint—March 22, 1996
Date of Appointment—July 30, 1998
Date of Application—January 22, 1999
Date of Decision—March 30, 1999
Application for certiorari granted.

This was an application for certioari, quashing the appointment of a Board of Inquiry to hear Kaiser's complaint of discrimination based on political affiliation in appointments to two Boards. The Commission supported the application and the respondents' position that the matter be referred back to the Commission to be dealt with according to the principles of procedural fairness. Kaiser opposed the application.

The Court found that the Commission's failure to send a final investigative report to the parties was a fundamental error, and a failure of procedural fairness and due process. It granted the application and referred

the matter back to the Commission. It commented that the delay has been unreasonable and that if it had the authority, it would order the Commission to complete its work by a specific date, but that, lacking such authority, it urges the Commission to proceed with dispatch. The Court declined to order costs as sought by the respondents.

Employment—Sexual Harassment

Sylvia Wigg v. Guy Harrison and Art Pro Litho Ltd.
Board of Inquiry—Royden Trainor

Date of Complaint—July 10, 1997
Date of Appointment—August 1998
Date of Hearing—February 22, 23, 1999
Awaiting decision.

Wigg alleged that she was sexually harassed by Harrison, her employer.

Employment—Physical Disability

Julie Coleman v. Manto Holdings
Board of Inquiry—Susan Ashley

Date of Complaint—June 29, 1996
Date of Appointment—August 1998
Date of Hearing—March 8–10, 1999
Awaiting decision.

Coleman alleged that Manto failed to accommodate her for the effects of a disability caused by a workplace injury, and failed to rehired her because she had this disability.

LEGAL DIVISION

Legal Counsel: Maureen E. Shebib

Legal counsel provides a range of legal services to members and staff of the Human Rights Commission. This includes preparation of legal opinions for the Commissioners, the provision of legal advice and assistance to the Executive Director and staff, provision of staff training and development, policy development, and representation of the Commission at hearings before Boards of Inquiry and the Supreme Court.

For most of 1998–99 Maureen E. Shebib assumed the duties of Acting Executive Director. As a result, the services of outside legal counsel had to be retained to carry on the work of the division, starting in September 1998. Ms. Shebib did however remain involved in a number of the division's regular activities. For example, she participated on the assessment team, and she often played a dual role at Commission meetings — that of Acting Executive Director and legal advisor, particularly on matters of policy and interpretation of the Human Rights Act. In addition, Ms. Shebib continued to provide legal advice and interpretive guidance to staff on a regular basis. She acted as a trainer in two workshops sponsored by the Department of Justice for new board and tribunal members; participated in staff training sessions that addressed the analysis and investigation of systemic discrimination, attended meetings of provincial human rights legal counsels from across Canada in Halifax and Toronto; and participated as a panellist on several occasions — including the Nova Scotia–Canadian Bar Association professional development conference held in January of 1999. Meanwhile, Ms. Shebib supervised the research and related legal work of two articling clerks, Marie Paturel and Kim Lewis, and one third-year law student, Corinne Bell, on placement with the Commission in the winter of 1999. Finally, Ms. Shebib assisted outside legal counsel on a number of matters and she worked closely with Lara J. Morris on the application for leave to intervene filed by the Commission in January 1999 in the matter of *British Columbia Human Rights Commission et al. v. Robin Blencoe*.

With the exception of *Baker v. the Nova Scotia Human Rights Commission*, an application heard by the Nova Scotia Supreme Court — Trial Division, defended by Ms. Shebib in August 1998, with the assistance of Marie Paturel, all complaints referred to Boards of

Inquiry, and the majority of legal opinions prepared for the Commission, were handled by outside counsel. All counsel retained were chosen for their demonstrated knowledge and experience with human rights matters.

Of all Boards of Inquiry appointed in 1998–99, only two did not settle before the commencement of hearings. The majority were settled by agreement among the parties prior to the commencement of the hearing.

As well, a Board of Inquiry appointed to hear the complaint of Archibald Kaiser against the Executive Council was quashed in March 1999, and the complaint was returned to the Commission when an error was discovered in the process of sharing documents among the parties. As of the end of the fiscal year, the complaint remains with the Commission's Complaints Division. Further information on complaints is available in the Investigation Division. The Legal Division shares the services of Lois Smith, administrative assistant, with the Race Relations and Affirmative Action Division, and, for part of this reporting period, with the Communications and Public Education Division.

RACE RELATIONS AND AFFIRMATIVE ACTION DIVISION

Coordinator: Viki Samuels

Race Relations

Race relations refers to the quality and pattern of interactions between diverse racial groups within one society. This division, as mandated under the Human Rights Act, works toward the promotion of racial harmony in Nova Scotia.

Affirmative Action

Affirmative action is a tool used to address and remedy systemic or institutional discrimination, in particular, discrimination experienced by women, members of racial minorities, Aboriginal people, and people with disabilities. When properly implemented, affirmative action policies and programs can help alleviate systemic discrimination, which is defined as persistent patterns of institutional inequality, the result of both intentional and unintentional discrimination.

Duties and powers of the Race Relations and Affirmative Action Division, as mandated by the Human Rights Act, are:

- developing and recommending programs and policies for non-governmental departments and agencies; promoting racial harmony and eliminating barriers so that members of racial minorities can participate fully in society; and assisting and monitoring government and government departments with the development and implementation of policies on race relations adopted by and for government.
- consulting and assisting with respect to adopting or carrying out a program, plan, or arrangement that will foster good relations between races and cultures.

This mandate is carried out through consultation, workshops and training, intervention and mediation, special events, and regional activities, all of which are performed or supervised by the division coordinator.

The Race Relations and Affirmative Action Division continues to improve its overall program and service quality. The division developed Train-the-Trainer and sexual orientation awareness training modules,

and increased focus on diversity in alternative dispute resolution (ADR) and mediation as ways of resolving workplace confrontations. Projects dealing with systemic and racial discrimination in the workforce, racism in schools, and the development of affirmative action agreements have also been prevalent division activities.

Consultation

Consultation often takes place in the form of advising organizations of their responsibilities under the Human Rights Act to ensure that they do not discriminate in the service they provide, in their work environment, or in their membership. This may be done through brief telephone inquiries, or through more involved interactions with individuals and organizations.

Consultation also takes place through participation on standing committees. In this capacity, the division is actively involved with several community committees, such as the Halifax County Monitoring Committee, the University College of Cape Breton Affirmative Action Committee, the Black History Month Association, the AIDS Advisory Committee, and Partners Against Racism. The development and implementation of affirmative action agreements also falls under the heading of consultation. Affirmative action may include the implementation of employment equity programs that help eliminate persistent patterns of inequality.

An affirmative action agreement is one method used to address organizational change. It dismantles structural barriers that prevent certain groups of individuals from fully participating in the political, educational, social, and economic spheres of society. In developing an affirmative action agreement, both the design and the substance of the agreement are important. These elements allow the agreement to reflect the individual nature and purpose of each organization, and demonstrate the organization's commitment to equality issues in Nova Scotia. In the 1998–99 fiscal year, the Commission signed affirmative action agreements with University College of Cape Breton, Halifax Regional Municipality and Bryony House.

During the fiscal year, the Commission signed an affirmative action agreement with the Halifax Regional Municipality. Seated are: Mary MacLennan, Commission Chairperson and the Honourable Robbie Harrison, Minister responsible for the Commission. Standing are: Vi Carmichael, Municipal Clerk with the regional municipality, and Deputy Mayor Larry Uteck.

Workshops and Training

The division continues to provide information concerning race relations to public, private, and community-based sectors through various sensitivity training workshops, information sessions, and general educational activities, such as seminars and presentations. The objective of these workshops is to increase participants' awareness of issues related to diversity, discrimination, affirmative action, and employment equity. This approach effectively addresses intentional, unintentional, and systemic discrimination. Race relations training and workshops are often co-facilitated with other organizations and/or departments that have a commitment to, and share like philosophies about, human rights and diversity.

This year, a substantial amount of work has been directed toward the development of the Train-the-Trainer training module. This training program is designed to teach facilitation skills in the delivery of anti-discrimination workshops. Trainers emphasize key areas including: managing conflict to foster learning, assessing notions of power, recognizing privilege and oppression, and creating safety in the learning environment when dealing with issues of diversity.

The pilot of this training module was successfully facilitated in partnership with the World Trade and Convention Centre and Nova Scotia's Department of Human Resources. Other diversity workshops have been conducted for:

- parents considering trans-racial adoption
- Mount Saint Vincent University
- Parks Canada
- Emergency Measures
- African Canadian Employment Clinic
- Dartmouth North Community Centre
- Heritage Nissan
- Prince Andrew High School
- Bryony House
- Yarmouth Regional Health Services Centre, School of Nursing
- Woods Harbour Volunteer Fire Department
- Saint Leonard's Society
- Municipality of the County of Queens
- Nova Scotia Community College, Burridge Campus
- World Trade and Convention Centre

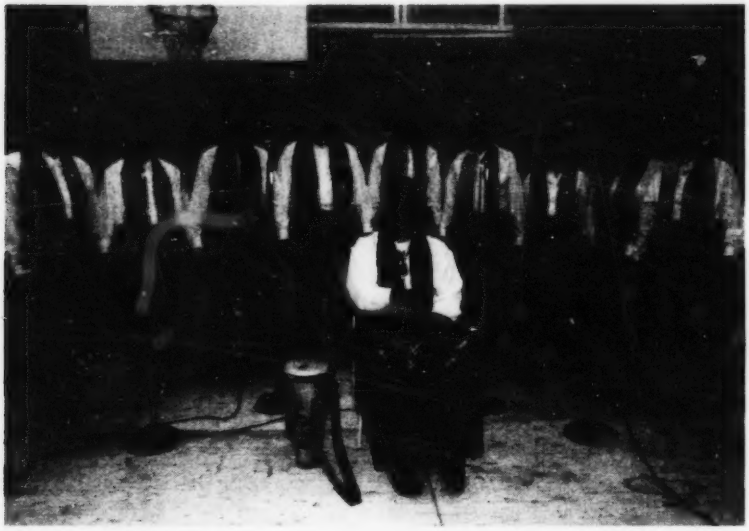
Patricia Myatt, Food and Beverage Controller, Trade Centre Limited and Viki Samuels, the Commission's Race Relations and Affirmative Action Coordinator, pictured after the Train-the-Trainer workshop that was held at the World Trade and Convention Centre.

Intervention and Mediation

The division continues to focus on intervention and mediation as alternative methods to resolve human rights problems. Interventions involve seeking settlement between a potential complainant and respondent without a formal complaint being lodged. It works best when both sides are willing to seek resolution. While interventions do not preclude the laying of a formal complaint, more and more, they are seen as a pro-active approach to addressing discrimination, in particular systemic discrimination. Mediation is a method of resolving issues by bringing the disputing parties together and helping them foster a process of joint negotiation and settlement.

Special Events

Commemorating special cultural events and attending public activities provide important opportunities to promote the Commission's mandate, build partnerships, and educate the public. The Commission has an internal Events Committee that works with the Communications and Public Education Division to plan events that commemorate special days. The division played a lead role in organizing several human rights special events. During International Human Rights Day, on December 10, Helena Jockel, a Holocaust survivor, shared her experiences with a teary-eyed crowd at Dalhousie University's McInnis Room. On March 21, the International Day for the Elimination of Racial Discrimination, Willie O'Ree, the first Black player in the National Hockey League, spoke about the barriers a person of colour must overcome to be successful in professional hockey. A focal point for the 1998–99 fiscal year was hosting the Canadian Association of Statutory Human Rights Agencies (CASHRA) conference in June, 1998. The Division Coordinator chaired the Program Committee for CASHRA.



Noah's Ark, consisting of percussionist Henry Bishop and the Ba ha'i Fire and Light Chorale, performs during the International Day for the Elimination of Racial Discrimination celebration on March 21, 1999, East Preston, Nova Scotia

Other events that promoted the eradication of discrimination and the promotion of racial harmony were held across the province. These events included: the Inglewood Centre African Heritage Month Celebrations; the Annapolis Valley School Board Multiculturalism Public Speaking Contest; the Annual Run Against Racism in New Glasgow; a presentation by Willie O'Ree, Director of the National Hockey League's Diversity Task Force, at Whitney Pier Memorial School; and an African Heritage Month celebrity quiz.

Regional Activities

The work of the division is province-wide. The coordinator works with the regional offices and participates in events throughout Nova Scotia. Over the past year, liaisons with the regions included many activities that centered on the educational system, continued community networking and promoted harmony. The coordinator organizes and promotes activities across the province with the assistance of human rights officers in Halifax, New Glasgow, Digby, and Sydney.

DIGBY REGIONAL OFFICE

Human Rights Officer: Odette MacLeod

The past fiscal year has been a busy one at the Digby Regional Office. The Digby office received a total of 1,781 telephone inquiries and 134 office visits in 1998–99. When the phone wasn't ringing and the door wasn't opening, there were plenty of other activities to keep the office's staff busy.

During the early months of 1998, the human rights officer acted as secretary to the Yarmouth County Affirmative Action Committee (YCAAC). This role included correspondence with the Department of Education regarding Black representation on the school board, and correspondence with Yarmouth's tourism office regarding employee training for physically challenged tourists. In May, the National Access Awareness Week breakfast was a joint effort of YCAAC and the Digby office. In late fall, the committee made the difficult decision to disband because other community agencies were doing similar work and its membership was falling. The human rights officer remains in contact with former committee members.

The human rights officer participated in many of the regional school boards' human rights efforts. In January, she spoke with the race relations consultant and the Valley Regional Black Educator about outstanding concerns in the development of the Annapolis Valley Regional School Board (AVRSB) Race Relations Policy. In the spring, the officer helped review the policy to empower the affirmative action component and accommodate disabled students. The officer also attended three meetings with parents, administrators and consultants that focused on various challenges in the development of school environments that are free from discrimination. In March, the officer was one of the adjudicators in the AVRSB public speaking contest, "How to Stop Racism in the New Millennium." Later that month, she was one of three interviewers for the Digby High School Support Worker competition.

Staff in the Digby office participated in other community activities. In July, the human rights officer and the secretary provided human rights and affirmative action training for an employee and a student with the Municipality of the County of Annapolis. The officer also represented the Commission at the African Heritage Month celebrations in Inglewood. In August, the human rights officer attended a meeting

with the Black Employment Partnership Committee (BEPC) and the local MLA. This meeting led to an agreement between the BEPC and the Digby office to take on a job trainee for a three-month period. Trainee Kerry Johnson obtained some valuable job experience and made a valued contribution to all aspects of work in the office.

As a member of the Annapolis County Employment Equity Committee, the officer assisted in drafting and implementing an employment equity policy. The county's job applications and Employee Discipline Policy were also redrafted. Most recently, the committee members reviewed the next step in the employment equity plan, which is the community profile and the workforce assessment.

Besides these events, the officer also conducted more than 20 public education presentations to various workplaces and student groups throughout the year. Race relations was a key element in these presentations.

PUBLIC EDUCATION HIGHLIGHTS

April 1998

- Human rights presentation to human services class at Nova Scotia Community College, Burridge Campus, Yarmouth
- Employee rights presentation to staff of Northhills Nursing Home, Granville Ferry
- Human rights presentations to students during Middleton Regional High School Conference

May 1998

- National Access Awareness Week breakfast and open house, Yarmouth
- Meeting to organize Victims Rights and Services Community Group

June 1998

- Workshop for correctional officers in training Sackville
- Presentation to annual meeting of Digby-Annapolis Family Resource Centre
- Workshop of clients of the Flower Cart, Kentville

July 1998

- Affirmative action and human rights training for employee and student with Municipality of Annapolis

August 1998

- Meeting with two facilitators of the Alternative Transportation Services, Kentville

September 1998

- Sexual harassment workshop for Alternative Transportation Services, Kentville

October 1998

- Human rights workshop for 40 Foodland operators, Kentville

November 1998

- Human rights presentation to Western Counties Regional Library staff, Yarmouth

December 1998

- Human rights presentation to Correctional and Law and Security College students, Sackville
- Human rights and sexual harassment workshop for St. Leonard's Society, New Minas

January 1999

- Human rights presentation to students of the human services class, NSCC, Burridge Campus
- Human rights presentation to Work Activity Centre participants, Kentville
- Sexual harassment workshop for the executive of the Municipality of the County of Queens

March 1999

- Human rights presentation to Nursing Students, Yarmouth Regional Health Services Centre
- Intervention/public education presentation to Woods Harbour Volunteer Fire Department
- Judge high school public speaking contest for Annapolis Valley Regional School Board

NEW GLASGOW REGIONAL OFFICE

Staff Person: Beverley Bonvie

The New Glasgow office was quite busy in 1998–99, taking part in and organizing a variety of activities.

On December 7, 1998, staff attended the National Day of Remembrance memorial service for the 16 women who died in the 1989 Montreal Massacre. Approximately 40 people attended the service to support action on violence against women everywhere. During the service, survivors of abuse, civic leaders, organizations and individuals also paid respect to women who have been killed since the massacre. Brief biographies of the women who were killed in the massacre were also given. A poem entitled One More Tear was read by an abuse survivor. Prayers were also offered and a moment of silence was observed.

The New Glasgow office celebrated International Human Rights Day, December 10, a day early, with a proclamation signing at the Pictou Regional Library. Municipal leaders of the five neighbouring towns, warden, and representatives of the Pictou Landing First Nations community endorsed the proclamation, which observed the 50th anniversary of the Universal Declaration of Human Rights. Remarks were given at the ceremony by the office staff member Beverley Bonvie, and Ross Hamid of the Canada Day Committee. Hamid helped organize the event.

February 1999 was another busy month for the office, as it participated in two activities to celebrate African Heritage Month.

The first event was a play called A Man and An Anthem. It told the story of how the National Black Anthem was written. The play was performed at the Second United Baptist Church on February 7. Approximately 150 people attended.

The second activity was an awards night during which 16 pioneers of the Black community were awarded certificates. This event was a joint venture of the African Heritage Organizing Committee and the Afrocentric Tutoring Program. Approximately 75–100 people attended the event. Among the people there were Brandon Gero and Sam Moreau. Gero, a budding young orator recited Dr. Martin Luther King Jr.'s "I Have A Dream" speech with such skill that he received a

standing ovation. Moreau, a Black lawyer with Nova Scotia Legal Aid, was the guest speaker. He instructed the youth to maintain good character, get a good education, and strive for excellence in all that they do. The evening proceeded with many seniors from the Black community being recognized for the enormous contributions they have made to the community.

In March, the office staff took part in the annual Run Against Racism, as well as the public reception following the run. Participants in the event ran through five towns and the First Nations community. During the reception, grade 12 student Nina-Lee Jewell presented Henderson Paris, the run's founder, with the chieftain cloth. The cloth is symbolic of an African tradition, whereby it is passed on to someone who has the characteristics of a fine leader and is an example for others. Paris later gave the reception's closing remarks.

PUBLIC EDUCATION HIGHLIGHTS

December 1998

- Attended a retreat for Black-based organizations that discussed topics including: effective meeting skills, conflict resolution, and general human rights issues

February 1999

- Attended a meeting of the New Glasgow Black Employment Partnership Committee
- Attended a meeting about the New Glasgow 4-Plus Program
- Attended the opening of Career Connections, a service that offers career exploration, entrepreneurship, computer training, adult education, workshops, seminars, etc.
- Mediated in a conflict resolution session

March 1999

- Attended 4-Plus Program board meeting
- As a member of the New Glasgow Black Employment Committee met with the African Canadian Human Resource Council to clarify draft proposal and Terms of Reference in the creation of the African Nova Scotia Human Resource Council

SYDNEY REGIONAL OFFICE

Human Rights Officer: Gordon Hayes

The Sydney office maintained its visible presence in the Cape Breton region through its work in complaint investigations and public education. It was also involved with affirmative action initiatives through the Cape Breton Regional Municipality Affirmative Action Committee. The office also promoted human rights in the Municipality, in schools, and through workshops with various organizations and committees.

The Sydney office spent the past year focused on the investigation of allegations of discrimination, primarily in the area of employment and services. Changes have been noted in the actions of some who have been influenced by the process of education, discussion, and human rights materials.

The office, in keeping with its role of being people oriented, observed International Human Rights Day on December 10; African Heritage Month, in February; International Women's Day; and International Day for Elimination of Racial Discrimination, in March. It also continued to provide support to special-interest group and training programs in the area.

PUBLIC EDUCATION HIGHLIGHTS

April 1998

- Sexual harassment workshop—Emergency Medical Care Inc., North Star Inn

May 1998

- Presentation to a group of social workers in the Cape Breton area for Dr. Donna Baines, PhD, Professor at the Maritime School of Social Work

June 1998

- Delegate, CASHRA '98 conference, Halifax
- Sexual harassment workshop for the Coastal Action Program

September 1998

- Guest at the University College of Cape Breton's international students welcome function

October 1998

- Sensitivity training session—Northside Adult Service Centre

November 1998

- Maureen Shebib and Viki Samuels visited the Cape Breton area and met with various advocacy groups. They attended the Equity Committee meeting with Gordon MacLean, Director of Human Resources at University College of Cape Breton with regards to the signing of a future affirmative action agreement.

December 1998

- Alice Aucoin was the recipient of the Tom Miller Human Rights Award. She was described as a caring, sharing and self-giving lady, who has a special gift of seeking out the poor, regardless of colour, race or denomination, and who in her quiet way, takes action to look after their needs.
- Each year the Sydney office invites grade 12 students to write essays on human rights and it also asks grade 6 students to design posters that reflect human rights. The winner of this year's essay contest was Michelle Alexander of Riverview Rural High School. Deanna Jessome of Gannon Road Elementary School won the poster contest.

February 1999

- Speaking engagement, Don Bosco grade five class
- Attended functions during African Heritage Month at Sydney Academy, Holy Angels, and Memorial Junior High

March 1999

- Sensitivity training workshop at KFC, Sydney area, for employees and supervisors.
- International Students Supper, University College of Cape Breton
- The Sydney office also served on the committee to host Community Action towards the Elimination of Racial Discrimination. Participants includes the student union of the University College of Cape Breton, the Nova Scotia Human Rights Committee, the Cape Breton District Labour Congress, the Cape Breton Regional Municipality, and the Black Educators Association. The one-day session organized by Sydney's March 21 Committee engaged key players in educational activity around employment equity. Johann Labine, employment equity coordinator for the Public Service Alliance of Canada (PSAC), was the guest speaker.

- The National Hockey League's first Black player, Willie O'Ree, was a guest speaker as at several Cape Breton area schools. He spoke about his experiences with racism in sports to audiences at Eskasoni High, Glace Bay High, St. Michael Junior High, Sydney Academy, Whitney Pier Memorial Junior High, Jamieson, and Don Bosco schools. Mr.O'Ree is currently the Director of Youth Development for the NHL/USA Hockey Diversity Task Force, a not-for-profit program designed to introduce children of diverse ethnic backgrounds to the game of hockey.

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